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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058978
Party	Defendant Black Clouds
Correspondence Address	BARBARA L (PIXIE) WAITE LAW OFFICE OF BARBARA L WAITE PC 1425 K STREET NW, SUITE 350 WASHGINTON, DC 20005 UNITED STATES pixie@blwaitepc.com
Submission	Answer
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Date	07/11/2014
Attachments	Answer.pdf(64103 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Daniel P. Matthews,

Petitioner,

v.

Cancellation No. 92058978

Registration No. 4,233,433

Black Clouds LLC,

Registrant.

Answer

Registrant, by counsel, hereby Answers the Petition to Cancel as follows.

1. Registrant is without sufficient knowledge to admit or deny the allegations of Paragraph 1 of the Petition and therefore denies the same.
2. Registrant is without sufficient knowledge to admit or deny the allegations of Paragraph 2 of the Petition and therefore denies the same.
3. Registrant is without sufficient knowledge to admit or deny the allegations of Paragraph 3 of the Petition and therefore denies the same.
4. Registrant admits the allegations of Paragraph 4 of the Petition.
5. Registrant admits the allegations of Paragraph 5 of the Petition but takes exception to Petitioner's characterization of its registered mark as "infringing".
6. Registrant admits the allegations of Paragraph 6 of the Petition but takes exception to Petitioner's characterization of its registered mark as "infringing".
7. Upon information and belief, Registrant denies that Petitioner has continuously used the Mark in commerce since 2007. With respect to the remaining allegations of Paragraph 7, Registrant is without sufficient knowledge to admit or deny them and therefore denies the same.

8. Registrant is without sufficient knowledge to admit or deny the allegations of Paragraph 8 of the Petition and therefore denies the same.
9. Registrant is without sufficient knowledge to admit or deny the allegations of Paragraph 9 of the Petition and therefore denies the same.
10. Registrant takes exception to Petitioner's characterization its registered mark as "infringing". Registrant denies that there is a likelihood of confusion between the parties' marks because the parties' uses do not occur in the same geographical areas. Registrant is without sufficient knowledge to admit or deny the remaining allegations of Paragraph 10 of the Petition and therefore denies the same.

Accordingly, Registrant respectfully submits that the Petition to Cancel Registration No. 4,233,433 must be denied.

BLACK CLOUDS, LLC



By: Barbara L. (Pixie) Waite
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Dated: July 11, 2014

CERTIFICATE OF SERVICE

I, Barbara L. Waite, hereby certify that a true and accurate copy of the foregoing Answer was served by first-class U.S. Mail, postage prepaid, on the following on this the 11th day of July, 2014:

Christopher J. Marino
Giordano Halleran & Ciesla, PC
125 Half Mile Rd., Ste. 300
Red Bank, NJ 07701

Attorney for Petitioner

A handwritten signature in black ink, appearing to read "B. L. Waite", is written above a horizontal line.
